

March 21, 1975

PRESIDENT: Senator Frank Lewis.

SENATOR F. LEWIS: Could I just ask a couple of questions?

PRESIDENT: Of whom?

SENATOR F. LEWIS: Of you.

PRESIDENT: Sure.

SENATOR F. LEWIS: If this goes by 29 votes again are you going to sign it?

PRESIDENT: There's nothing to sign on a motion to reconsider. 29 votes doesn't do it cause it's on Final Reading. It takes 30 votes to reconsider.

SENATOR F. LEWIS: I don't mean that. I mean if we get the bill back and we get 29 votes are you going to sign it? Are you going to be consistent with your ruling that it takes 30 votes?

PRESIDENT: That question is out-of-order cause that's not in front of us.

SENATOR F. LEWIS: Well that's the question.

PRESIDENT: Ultimately it is, yes. What you're doing is asking that Senator Murphy and I and everybody else in here discuss the Attorney General's opinion.

SENATOR F. LEWIS: No I'm not, Mr. Chairman. What I'm saying is that we need to get the resolution of this thing. The resolution is the Attorney General said this is legitimate if you get 25 votes, this is new matter before the Legislature and it doesn't take 30 votes.

PRESIDENT: Well now Senator Lewis you asked me to comment. That is not what the Attorney General said. The Attorney General said in his final paragraph that if this is a new matter, rather than merely more money in an existing program or words to that effect, then a mere majority is necessary. But if it is just more money for an existing program that was not in the Governor's budget, then it requires 30. Now if you want to discuss it, I advise the body that after consultation with budget staff and the fiscal staff that this was beyond the Governor's budget. Based upon that, we called for a vote on the appeal. The Attorney General's opinion comes down and it says that the Legislature shall make a decision as to whether or not this is indeed a total new program, or merely funding more. Now I recognizes that Senator Murphy phrased the question. I didn't, but even under the praxiology used by Senator Murphy it seems to me that the Chair made a decision, initially that this was merely increasing funding on an on-going program. It seems to me that the body concurred on this, 36 to 8. So it isn't true that the Attorney General said that my ruling was improper.

SENATOR F. LEWIS: Well based on that then I'd make some additional comments, Mr. President.